



# QUALCOMM STADIUM ADVISORY BOARD

## Minutes of Regular Scheduled Meeting

Thursday, February 9, 2012

STADIUM ADMINISTRATIVE OFFICES

### I. CALL TO ORDER / ROLL CALL

Chairman Rudy Castruita called the meeting to order at 8:15 am.

#### Board Present:

Chairman	Rudy Castruita	Present
Member	Jeff Jeffery	Present
Member	Luke Pistorius	Present
Member	Ben Clay	Present
Member	David Baron	Present
Member	Kim Folsom	Absent
Member	Carlos Vasquez	Present
Member	Michael Simonsen	Absent
Member	Les Williamson	Present

**Staff Present:** Mike McSweeney-Stadium Manager, Veronica Valenzuela-Clerical Assistant II

**Others Present:** Nick Pettit-Aztecs, Ron Lee-Centerplate, Jack Straw-Council District 6, Bruce Binkowski-Holiday Bowl, Bob Watkins-OMBAC

### II. APPROVAL OF MINUTES January 12, 2012

Approved. Unanimous.

### III. PUBLIC COMMENT

Rudy stated we have a speaker today John Dadian, President, did you put in a card to speak. Mr. Dadian responded Item IV Mr. Chairman, Rudy thanked him, moving on to Communications.

### IV. COMMUNICATIONS

We have the City Attorney Memorandum of Brown Act Violation, do we have anything. Mike answered only the memo distributed to Board members last week basically describing what the remedies will be coming upon the board and which path to follow. Rudy asked if Mike could brief us on it, I have been out of the country and just got back last night. Michael asked is (City Attorney) she going to attend or is she no longer...? Rudy received a message from Veronica, she will no longer be in attendance if you have any questions, Mike can fill you in on this. Mike explained because of the

workload at City Attorney's office Deb (she) will no longer be attending these meetings, however we have other legal issues and things like that, we will submit to her and she will communicate back to us so we have some type of direction should we need it, it's simply a workload situation. Mike would you review the memo with us? Rudy asked if everyone received the memo. Per memo from City Attorney dated February 6, 2012 I will not read the entire memo verbatim it simply describes a letter from Mr. Dadian dated January 24<sup>th</sup> of violation of Brown Act at a previous meeting. I will briefly read some key issues of the memo. Chairman's action violated the Brown Act when Mr. Dadian requested to speak on Agenda Item II prior to approval of minutes and then was invited to speak on agenda item III Public Comment. In order to rectify the alleged Brown Act violation which occurred during the Board's meeting on January 12, 2012 the office suggests the Board should: 1)before next meeting of the Board, notice its intent to rescind its previous action approving the December 8, 2011, Board meeting's minutes; 2)before the next meeting of the Board, notice its intent to take a new action to approve the Dec 8<sup>th</sup>, 2011 Board meeting minutes; 3)conduct its next meeting in its regular manner, keeping in mind the provisions of the Brown Act. In conclusion it appears from the document and tapes reviewed that a violation of the Brown Act occurred at the January 12, 2012 Qualcomm Advisory Board Meeting. One way to cure this violation is to follow the steps provided in this memorandum. Rudy indicated lets follow the steps if I violated the Brown Act my interpretation was Public Comment would as Mr. Dadian wants to address Item IV and that is appropriate how do we remediate this to get it in the minutes. Mike replied, before the next meeting of the Board, notice its intent to rescind its previous action and proceeded to read the steps number one through three above again. Mike is not the Attorney today and would rely on legal to quantify on the motion to rescind and proceeded to read steps one to three above. Rudy indicated he is just looking to remedy this. Ben mentioned it is a two step kind of thing, Luke you are licensed and I'm not, we have to notice it on the agenda she will give us the language and all the different steps then put on the agenda and then act. Rudy asked, action being what? Luke clarified we need to rescind the approved minutes of Dec 8<sup>th</sup> then to resubmit them and approve. For the record Luke does not represent the Board. Rudy trying to get a remedy to Mr. Dadian's comments, that is where I am confused, we need some kind of legal document that will be able to come forth to this Advisory Board. However we just passed the minutes... In essence we will need to rescind and lean on the City Attorney to give us direction on this, I am not clear of Public Comment and how it should be addressed to the item on the agenda which is what Mr. Dadian is wanting to address today, Item IV. If in fact I did take improper action I apologize, the protocol I am used to is Public Comment, Public Comment if they want to address item on the agenda, if I was mistaken I apologize to this Advisory Board and will make this correction, the point was for me to allow Public to Comment and will move forward on that. Ok any other questions on that? I have no report.

Mr. Dadian stated Mr. Chairman with all due respect its item IV, the board discussed it, I am signed up to speak we are at item IV, I get to speak. Good morning John Dadian, I am not going over what happened at last month's meeting but quite honestly as of 24 hours ago I was not going to speak today, from my understanding there was a City Attorney memo and matter was resolved. But something happened yesterday which is why I am here and also the discussion just said flabbergasted me so I want to address this also. Let me point to your attention, I am not an attorney by background but am familiar with the Brown Act from my first career in the public sector. First of all the discussion just made and then why I am here today. The discussion just made and questions asked on how do we remedy this, what do we have to do, etc? Mr. Chairman and Board members your Agenda, your public agenda under Brown Act has Item III. Item III has three items item under III. Item III.A says rescind the motion, you have an action item, there was no motion made or discussed. When item III was discussed I'm assuming the motion was made to the minutes made before you, but item A and B were not addressed. So you do not have to avoid this to next month's meeting you do not have to ask City Attorney for further opinion. You can simply take action on item III.A; Rudy thanked him for clarification, Ben also commented he missed that. So this clears this up that was my surprise here.

As I mentioned I really didn't mean to cause this much trouble, I say that sincerely. But reason I am here today is I heard there was a City Attorney memo addressing this and read agenda and saw those items and thought that would clear up. I called this authority the Qualcomm Stadium Advisory Board yesterday and talked to staff and asked for copies of two items on the Agenda. I was told yesterday, as of yesterday this Board is still not following the Brown Act. I was told yesterday the Chairman had to approve, to release these reports. Folks let me say very clear the Chairman does not have the latitude to decide which reports are released to the public or not once it's on the Agenda it's a public document. To give you an example, this may sound petty, but when I was told that around three o'clock in the afternoon I had the option to actually coming down here and ask for a copy. What I had to do this morning was cancel a business meeting, so I am losing money to be here. A member of the Public should not have to do that, once an item is on Agenda all reports are made public, so I was denied Brown Act not a month ago when there was confusion, as of yesterday. This Board needs to follow the Brown Act. Let me just point out one last thing I said I would be brief and let me conclude. Oh, by the way for the record let me say I put a call in to Mr. McSweeney and he did call me back promptly but I had already left the office, so the Authority did try to get back to me. Just for clarification, Mike informed John he is not on the Authority; Mr. Dadian responded no, I realize that but as a manager. The last point I would like to make is on the City Attorney memo and a point not addressed here, do want to clarify, the Chairman asked the Board several times for any comments again, if it was under the public comment, the Board cannot comment at all. It is improper and is not addressed in the memo. I do have a recommendation to this Board, clearly with all respect to the Board Members and I have chaired a city commission before when Susan Golding was Mayor. So I know what it's like to Chair a meeting and you have all my respect how difficult a job it is and have been a commissioner. But with all due respect since there have been several violations of the Brown Act. What I recommend to this board and staff, have some type of presentation by City Attorney going over the rules because clearly there is still some confusion about what the responsibility of this Board under the Brown Act. Thank you very much.

Rudy thanked him. We want to backtrack to rescind that motion. Do we have a motion to do that Ben: first motion, David: second the motion. All in favor say I, Unanimous approval. That is the motion from January 12 approving the December 8th meeting, it's taken care of.

**V. CHAIRPERSON REPORT**

No Report

**VI. BUSINESS PARTNER REPORTS**

**A. CHARGERS**

No Report

**B. AZTECS**

Nick mentioned not much to report waiting for Mountain West conference football schedule to come out in the next few weeks, we are waiting for a big game on Saturday.

**C. BOWL ASSOCIATION**

Not a lot to report right now however working on dates for bowl games. It looks like the Poinsettia Bowl will be December 20<sup>th</sup> and the Holiday Bowl on December 27<sup>th</sup> but not sure if the NFL thinks of a Thursday game, not sure how it falls. Think they are ok on those dates. NFL dates out around first week of April. Revenues for the Poinsettia Bowl net \$100K and Holiday Bowl was \$355K. It was over half a million between the two.

**D. OMBAC**

Bob indicated he will be brief and mention a few items: 1) Rugby program is operating well this season, have a great working relationship with stadium, 2) There was a slight operation issue, there is another organization which uses the field as well, that we move the bleachers back since they do not have the manpower to move them, 3) We still do not have a signed agreement from City Attorney's office so Mike if you could help us, and 4) Trying to squeeze some extra time with soccer guy somehow. We had for many years a youth program but always lumped in to overall schedule and want to single it out maybe one hour prior to practice it is not a very large program but it is a good program.

**E. ACE PARKING**

No Report

**F. CENTERPLATE**

Ron not much to report I know we missed the forecast for Monster Trucks and hoping we make up with Supercross. David asked if they attended the Superbowl? Ron responded the Centerplate Shift Staff attended the Superbowl last weekend it was a remarkable job experience.

**G. SAN DIEGO AUTO CONNECTION**

No Report

**VII. STAFF REPORT**

**A. Stadium Manager Mike McSweeney**

Good morning we have Audit Committee responses and recommendations we are trying to close up on some items, once all complete Mike will bring to the Advisory Board to educate on the recommendations what challenges occurred.

We are nearing the end of the AT&T installation. AT&T invested \$4 million to beef up the 4G service network. Usually during an event the network collapses with people texting or sending pictures to each other. It will alleviate the traffic out there. There is a letter of interest from TMobile, Sprint, Verizon to tie in on these lines. AT&T will pay us \$90K in rent per year so it would be a lucrative deal for the Stadium.

Security contract is still in the works of a twelve month extension but because of current contract being upheld. In the meantime we need permission to spend what is on our budget which will be over a million dollars, we will extend contract and at a much lower rate and see additional savings.

Mike had a meeting with street signs while Les was out in Vietnam. They were able to take two signs down and make one out of these, then contemplating on taking one down. They need to come up with a methodology for traffic. Have been trying to get funding from Ace parking on signs but there may be a sign ordinance violation and is being looked into. Les asked about Caltrans if they may help out, Mike responded they have nothing to do with it. The permanent signs on Friars Rd belong to the City. It is a cost to the tenant to have variable messages put on these signs. Rudy asked to make Les aware of the next meeting. Ben recommended we go to the top and ask the Mayor or director of Caltrans to assist such as the 163 freeway shutdown for December nights. Not easy to have Caltrans do this for us perhaps they need an MOU. Les indicated we need to be proactive. Homeland Security mentioned a system as in the last fires was put in place to direct everyone to the Stadium. For certain types of situations the Stadium is a Mega Shelter, maybe not for an earthquake but it is for fires and floods when people get directed here. Mike mentioned to look into the Mega Shelter process perhaps.

Mike will be meeting with Bruce regarding the Bowl Agreement soon.

We are already seeing an increase of revenue on our Rate Card increase. San Diego Auto Connection is still around and will continue to do business but they are just not exclusive.

Supercross is this weekend and the dirt will be here until April then the turf will be put down this allows for cost savings and treat our soil properly. What are we anticipating for attendance for this event? It is expected to be around 60,000-65,000 but if it rains then it will probably drop to 50,000-55,000 it gets pretty cold at night.

Have an annual Big 3 auto swap sale coming up Feb 24-26. We were close to hosting a Soccer event for 23 and under group but this went on to Texas instead.

Questioned how Kinder Morgan is progressing? It is slowly progressing, the gas tank farm over the years has migrated underneath parts of stadium some of the ground dirt underneath the asphalt is contaminated with benzene. Kinder Morgan is 2-3 years behind the remediation process. They have hundreds of wells which they keep testing and may be 3-4 years away from completion, this is very expensive and leak has actually gotten down as far as the river.

## **VIII. BUSINESS ITEMS**

### **A. Financial Items:**

No Report

### **B. Advisory Board Committee Items:**

No Report

## **IX. COMMENTS BY BOARD MEMBERS**

David has a suggestion for us to move forward to avoid what happened to John. When we have addressed City Council on other business matters I have seen Public Comment is usually made to address an item on Agenda. When you fill out speaker slip you say I would like to speak on item VI in favor or not in favor for example. Maybe on our sign in sheet they make this comment so we can then call them on that item to avoid this in the future. Carlos needs clarification we first approved the January 12<sup>th</sup> minutes on Item III, then tried to follow recommendation from City Attorney's to rectify our violation, first step was we rescinded the minutes of December 8<sup>th</sup>? Correct. Did we have a motion to approve them again, it says approval of December 8<sup>th</sup> minutes, I don't think we did that? Does not make sense to say rescind and then approve I think you rescind then approve with corrections. The correction was when we approve the December 8<sup>th</sup> minutes, he wanted to speak on something he wanted to reflect the minutes, there was a question on that. When we approve them have it included in the new approval of December 8<sup>th</sup> minutes. Ben commented, what you are saying is item number two we need to take action. Rudy responded we need to have corrective action on that, what I was going to do in comments exactly what you said go back and approve the Dec 8<sup>th</sup> minutes with correction. We need to go back to rescind Jan 12<sup>th</sup> and correct the action of Dec 8<sup>th</sup> minutes and recognize action that the speaker wanted to address Item II. With that being said, I would like to have a motion to have it done, Approved Unanimously. Rudy read from the memorandum page three and have now corrected the item. He would like to ask our City Attorney attend the next meeting to clarify procedures. If you think it is appropriate to take the action Mike will ask Debra. There was no malicious intent to stop him from addressing any items. Carlos asked how the response is coming along? Mike answered response comes from the board. Rudy asked what page and paragraph? It's page 4 paragraph 9 asking how the response is coming along from last meeting minutes? I know we do not get involved in contracting, but they come before this commission to comment such as Mr. Dadian's issue. We do not have authority but as a courtesy we

respond or have a suggestion or opinion; at that point I asked we have a discussion. So how is this coming along from the City? Rudy is not able to speak for the City but general public has opportunity to comment on agenda item and are welcome to do so. I understand it is an agreement that his client or someone associated with, filed a complaint with to the City on how contract was awarded and we have no control of this. I believe we did respond by stating it is another department.

**X. ADJOURNMENT**

Meeting was adjourned at 9:02 am. The next meeting will be Thursday, March 8<sup>th</sup> at 8:15am